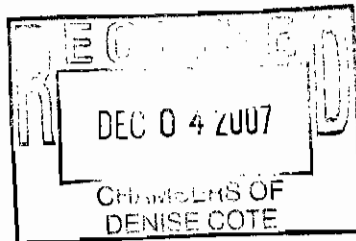


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**MEMO ENDORSED**

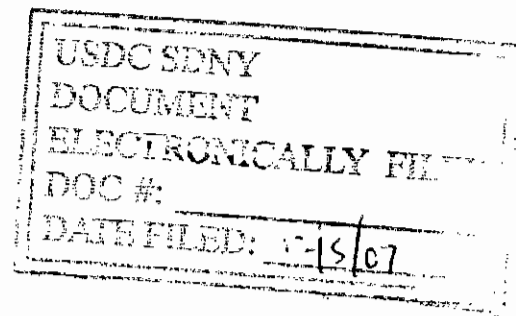
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December 3, 2007

## BY HAND DELIVERY

The Honorable Denise Cote, U.S.D.J.  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1040  
New York, New York 10007

Re: *Weiner v. Snapple Beverage Corporation*  
Civil Action No.: 1:07-cv-8742



Dear Judge Cote:

We represent Defendant in the above-referenced matter. Within the coming days we will file a motion to dismiss Plaintiff's Amended Complaint and write to request permission to exceed Your Honor's 25-page limit on memoranda of law in support of motions. Plaintiff's Amended Complaint raises substantial issues pertaining to FDA regulations, federal preemption, primary jurisdiction, New York's consumer protection statute and warranty and unjust enrichment claims. As a result, Defendant asks for an additional 10 pages to address these issues thoroughly and has obtained the consent of Plaintiff's counsel in this regard.

Respectfully,

Maureen P. Reid

cc: Daniel R. Lapinski, Esq. (via electronic mail)  
Philip A. Tortoreti, Esq. (via electronic mail)  
Michael Halbfish, Esq. (via electronic mail)

*Gratias*

*Denise Cote*

*December 5, 2007*